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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,892	11/18/2003	Richard Ormson	WN-2619	2814

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EXAMINER

BALAOING, ARIEL A

ART UNIT PAPER NUMBER

2617

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,892	ORMSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ariel Balaoing	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over AMERGA et al (US 2004/0043798 A1) in view of COOPER (US 6,766,169 B2).

Regarding claim 1, AMERGA discloses a method of network acquisition for a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract), said method comprising: searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); subsequent to identifying a suitable cell on the one radio technology (808; cell selection has not failed, therefore a cell is found suitable to

Art Unit: 2617

acquire), monitoring cells on another of the plurality of radio technologies in order to identify if one of the monitored cells is more suitable than the cell identified on the one radio technology (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and subsequent to said monitoring, selecting and camping for a first time on a cell identified from all of the radio technologies searched as most suitable (834; best cell is selected from all available access technologies). Although AMERGA describes cell determination being used during both cell selection and cell reselection (see paragraph 24 – *Cell selection is the process that allows a mobile station to select a suitable cell of a particular system. A mobile station first accesses a system (during power-up, for example), and selects a base station, or serving cell, with which to establish communication, in accordance with certain cell selection conditions*; paragraph 35 - *The channel quality metrics are delivered to processor 260 for use in cell selection or reselection, as described herein*), AMERGA does not expressly disclose selecting and camping, as an initial camping during a power up sequence, on cell identified from all of the radio technologies searched as most suitable. COOPER discloses selecting and camping, as an initial camping during a power up sequence, on a cell identified (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify AMERGA to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependant upon. AMERGA further discloses wherein said monitoring the cells on another RAT comprises monitoring neighboring cells on all of the plurality of RATs (812; paragraph 84, 85).

Regarding claims 3 and 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the step of monitoring cells on another RAT comprises obtaining a BA (neighboring cell) list on the said identified cell but for all of the plurality of other RATs read (paragraph 58, 60, 79, 83, 84; intra-frequency cells on the monitoring list are monitored before inter-RAT cells on monitoring list).

Regarding claims 4, 11, and 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the suitability of the cells is determined on a basis of a strength of a signal received therefrom (paragraph 67).

Regarding claim 5, 13, and 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. AMERGA further discloses wherein the identifying a suitable cell comprises determining a derivative of a strength of signal received therefrom (paragraph 68).

Regarding claim 6, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for

Art Unit: 2617

monitoring cells on another of the plurality of radio technologies (**808**; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (**810**; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping on the cell identified as the most suitable (**834**; best cell is selected from all available access technologies).

Although AMERGA describes cell determination being used during both cell selection and cell reselection (see paragraph 24 – *Cell selection is the process that allows a mobile station to select a suitable cell of a particular system. A mobile station first accesses a system (during power-up, for example), and selects a base station, or serving cell, with which to establish communication, in accordance with certain cell selection conditions*; paragraph 35 - *The channel quality metrics are delivered to processor 260 for use in cell selection or reselection, as described herein*), AMERGA does not expressly disclose selecting and camping, as an initial camping during a power up sequence, on a cell identified. COOPER discloses selecting and camping, as an initial camping during a power up sequence, on a cell identified (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify AMERGA to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

Regarding claim 7, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (**802**; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (**808**; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (**810**; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping on the cell identified as the most suitable (**834**; best cell is selected from all available access technologies).

Although AMERGA describes cell determination being used during both cell selection and cell reselection (see paragraph 24 – *Cell selection is the process that allows a mobile station to select a suitable cell of a particular system. A mobile station first accesses a system (during power-up, for example), and selects a base station, or serving cell, with which to establish communication, in accordance with certain cell selection conditions*; paragraph 35 – *The channel quality metrics are delivered to processor **260** for use in cell selection or reselection, as described herein*), AMERGA does not expressly disclose selecting and camping, as an initial camping during a power up sequence, on a cell identified. COOPER discloses selecting and camping, as an initial camping during a power up sequence, on a cell identified (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in

Art Unit: 2617

the art at the time the invention was made to modify AMERGA to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

Regarding claim 15, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract) and including means for searching to identify a suitable cell on one radio technology (802; paragraph 79, 80; measurements of the neighbor cells are performed); means for monitoring cells on another of the plurality of radio technologies (808; cell selection has not failed, therefore a cell is found suitable to acquire), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Although AMERGA describes cell determination being used during both cell selection and cell reselection (see paragraph 24 – *Cell selection is the process that allows a mobile station to select a suitable cell of a particular system. A mobile station first accesses a system (during power-up, for example), and selects a base station, or serving cell, with which to establish communication, in accordance with certain cell selection conditions*; paragraph 35 – *The channel quality metrics are delivered to processor 260 for use in cell selection or reselection, as described herein*), AMERGA



Art Unit: 2617

does not expressly disclose selecting and camping, as an initial camping during a power up sequence, on a cell identified. COOPER discloses selecting and camping, as an initial camping during a power up sequence, on a cell identified (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify AMERGA to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

Regarding claim 16, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (802; paragraph 79, 80; measurements of the neighbor cells are performed) and including means for searching to identify a suitable cell on one radio technology (808; cell selection has not failed, therefore a cell is found suitable to acquire); means for monitoring cells on another of the plurality of radio technologies (810; paragraph 83; scheduled inter-RAT monitored cells are searched), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (810; paragraph 83; scheduled inter-RAT monitored cells are searched); and further including means for, subsequent to the said monitoring, selecting and camping on the cell identified as the most suitable (834; best cell is selected from all available access technologies).

Although AMERGA describes cell determination being used during both cell selection and cell reselection (see paragraph 24 – *Cell selection is the process that allows a*

*mobile station to select a suitable cell of a particular system. A mobile station first accesses a system (during power-up, for example), and selects a base station, or serving cell, with which to establish communication, in accordance with certain cell selection conditions; paragraph 35 - The channel quality metrics are delivered to processor 260 for use in cell selection or reselection, as described herein), AMERGA does not expressly disclose selecting and camping, as an initial camping during a power up sequence, on a cell identified. COOPER discloses selecting and camping, as an initial camping during a power up sequence, on a cell identified (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify AMERGA to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.*

Regarding claim 17, AMERGA discloses a cellular radio communications device arranged for operation in accordance with a plurality of radio technologies (abstract; col. 4, lines 17-37) and including means for searching to identify a suitable cell on one radio technology (abstract; column 4:lines 17-59; column 6:lines 10-46); means for monitoring cells on another of the plurality of radio technologies (abstract; column 4:lines 17-59; column 6:lines 10-46), subsequent to an identification of a suitable cell on the said one radio technology, so as to identify if one of the said monitored cells might prove more suitable than the said identified cell (abstract; column 4:lines 17-59; column 6:lines 10-46); and further including means for, subsequent to the said monitoring, selecting and

camping on the cell identified as the most suitable (abstract; column 4:lines 17-59; col. 5, lines 6-37; column 6:lines 10-46). Although AMERGA describes cell determination being used during both cell selection and cell reselection (see paragraph 24 – *Cell selection is the process that allows a mobile station to select a suitable cell of a particular system. A mobile station first accesses a system (during power-up, for example), and selects a base station, or serving cell, with which to establish communication, in accordance with certain cell selection conditions*; paragraph 35 - *The channel quality metrics are delivered to processor 260 for use in cell selection or reselection, as described herein*), AMERGA does not expressly disclose selecting and camping, as an initial camping during a power up sequence, on a cell identified. COOPER discloses selecting and camping, as an initial camping during a power up sequence, on a cell identified (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify AMERGA to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

Regarding claim 18, AMERGA discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible cells (paragraph 79-83); camping onto said most suitable cell as an initial camping (paragraph 79-83).

Regarding claim 19, AMERGA discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring

Art Unit: 2617

cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (250, 280; paragraph 79-83); and a controller for camping, for a first time, on said cell identified as most suitable (260; paragraph 79-83).

5. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over OTTING (US 6,477,372 B1) in view of COOPER (6,766,169 B2).

Regarding claim 18, OTTING discloses a method of network acquisition, comprising: determining which cell is most suitable after monitoring more than one radio technology (RAT) for possible cells (410, 412, 414, 404); camping onto said most suitable cell (410, 412, 414, 404; mobile camps on a cell of a network deemed best). However, OTTING does not expressly disclose wherein the camping is an initial camping during a power-up sequence. COOPER discloses wherein the camping is an initial camping during a power-up sequence (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OTTING to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

Regarding claim 19, OTTING discloses a device that operates with a plurality of radio technologies (abstract), said device comprising: a detection module for monitoring cells on more than one of said plurality of RATs and for identifying which cell in said plurality of RATs is most suitable for camping (410, 412, 414, 404); and a controller for

Art Unit: 2617

camping on said cell identified as most suitable (410, 412, 414, 404 mobile camps on a cell of a network deemed best). However, OTTING does not expressly disclose wherein the camping is an initial camping during a power-up sequence. COOPER discloses wherein the camping is an initial camping during a power-up sequence (Figure 4a; col. 1, line 41-col. 2, line 31). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify OTTING to include cell selection during power-up as an initial camping, as taught by COOPER, since the use of a preferred roaming list to monitor a plurality of cells during initial cell selection is well known and convention in the art.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KUKKHOVI (US 6,119,003) – Performing automatic mode selection in a multimode mobile terminal

JAPENGA et al (US 6,978,138 B2) – Inter-Rat cell reselection in a wireless communication network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

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AB



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**